



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner Highlights PATRIOT Act Conference Report Civil Liberty Safeguard #26

WASHINGTON, D.C. – With the PATRIOT Act due to expire in four days unless the Senate approves the reauthorization conference report, House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today highlighted another one of the dozens of civil liberties safeguards included in the PATRIOT Act conference report approved last month with the support of almost all Republicans and 44 Democrats and is pending before the U.S. Senate.

PATRIOT Act Conference Report Civil Liberty Safeguard #26 – Requiring Additional Specificity in a FISA Court Judge’s Order Authorizing a “Roving” Wiretap:

In an age of disposable cell phones, “roving” wiretaps are a reasonable and common-sense updating of investigative techniques to account for technological advances. A “roving” wiretap follows the target rather than just a single phone or communications device. **The PATRIOT Act conference report addresses concerns about vagueness about the target in a Foreign Intelligence Surveillance Act (FISA) Court judge’s order authorizing a “roving” wiretap in foreign spying and terrorism investigations by requiring additional specificity.** The conference report requires the FISA Court judge’s order authorizing a “roving” wiretap to specify “the identity, if known, of the specific target” of the surveillance. Current law requires “the identity, if known, or a description of the target.” This new civil liberty safeguard is not included in current law.

Congress has authorized criminal wiretaps for decades as an effective crime-fighting tool. Because of technological advances, including the use of cell phones, in 1986 Congress authorized “roving” wiretaps in criminal cases that allowed for the surveillance to target a person rather than a specific phone or communications device. However, prior to the PATRIOT Act, this authority did not exist for international spying or terrorism cases; thus, for these cases the government had to return to the FISA Court and apply for a new wiretap every time the suspected spy or terrorist used a different phone or communications device. This costly, cumbersome, and time-consuming requirement served as a major impediment in foreign spying and terrorism investigations. The PATRIOT Act extended the “roving” wiretap authority to international spying and terrorism cases by allowing a FISA Court judge to authorize a “roving” wiretap provided the applicant demonstrates there is probable cause to believe the target is a foreign spy or terrorist.

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